



General Assembly

February Session, 2004

Raised Bill No. 5653

LCO No. 2284

02284_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE UNLAWFUL USE OF A RECORDING
DEVICE.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2004*) (a) As used in this
2 section, "audiovisual recording function" means the capability of a
3 device to record or transmit a motion picture or any part thereof by
4 means of any technology.

5 (b) Any person who knowingly operates an audiovisual recording
6 function of a device in a facility where a motion picture is being
7 exhibited without the consent of the owner or lessee of such facility
8 and of the licensor of the motion picture being exhibited shall, for a
9 first offense, be guilty of a class A misdemeanor and, for a second
10 offense, be guilty of a class D felony.

11 (c) Whenever the owner or lessee of a facility where a motion
12 picture is being exhibited, or an employee or authorized agent of such
13 owner or lessee, has reasonable grounds to believe that a person is
14 operating or attempting to operate an audiovisual recording function
15 of a device in such facility in violation of subsection (b) of this section,

16 such owner, lessee, employee or agent may question such person as to
17 such person's name and address and may detain such person for a
18 time sufficient to summon a police officer to the premises. Any person
19 so questioned by such owner, lessee, employee or agent shall promptly
20 identify himself or herself by name and address.

21 (d) In any civil action by a person detained under the provisions of
22 subsection (c) of this section against the person so detaining him or
23 her, or the principal or employer of such person, arising out of such
24 questioning or detention by any such owner, lessee, employee or
25 agent, evidence that the defendant had reasonable grounds to believe
26 that the plaintiff was, at the time in question, operating or attempting
27 to operate an audiovisual recording function of a device in a facility
28 where a motion picture was being exhibited without the consent of the
29 owner or lessee of such facility shall create a rebuttable presumption
30 that the plaintiff was so operating or attempting to operate such
31 audiovisual recording function.

32 (e) The provisions of this section shall not apply to the operation of
33 an audiovisual recording function of a device by: (1) Any person in a
34 private residence or library, (2) any authorized employee or agent of a
35 local, state or federal law enforcement agency while such employee or
36 agent is engaged in authorized investigative, protective, law
37 enforcement or intelligence gathering activities, or (3) any person
38 demonstrating the use of such function for sales purposes in a retail
39 establishment.

40 (f) Nothing in this section shall preclude prosecution of a person
41 under any other provision of the general statutes.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To address "camcorder piracy" by prohibiting the operation of the audiovisual recording function of a device in a facility where a motion picture is being exhibited.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]